

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Joseph A. Porter,

Plaintiff,

Civ. No. 09-2536 (RHK/SRN)

**ORDER**

v.

Officer Mark McDonough, *et al.*,

Defendants.

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This matter is before the Court *sua sponte*.

The parties have recently filed their initial trial materials in this matter, including their proposed witness lists. Pursuant to Local Rule 39.1(b)(1)(C), those lists were required to provide “a short statement of the substance of the expected testimony of each witness.” Although the witness lists include brief summaries of the proposed witnesses’ testimony, those summaries are, in the Court’s view, lacking. For instance, Plaintiff summarizes the expected testimony of Anoka County Deputy Psyck as “testi[mony] regarding the incident and police dog practices,” while Defendants summarize the testimony as “direct knowledge of Plaintiff[’s] apprehension by police K9 on August 31, 2007.” This is not sufficient.

The parties should re-file their proposed witness lists, on or before December 23, 2010, providing a greater explanation of the *substance* of each witness’s testimony – that

is, what the party expects the witness will say while on the stand. In other words, counsel should ask themselves: why is this witness being called to testify? What will the witness say that is important to this case? Although a multi-page narrative is unnecessary, a paragraph (or two) detailing the *specific facts* about which each witness will testify should be provided.

Dated: December 20, 2010

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge